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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

This Document Relates to:  
  
ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DEFENDANTS UBER TECHNOLOGIES,  
INC., RASIER, LLC, RASIER-CA, LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL DOCUMENTS FILED IN  
SUPPORT OF DEFENDANTS'  
OPPOSITION TO MOTION TO COMPEL  
POLICY DOCUMENTS**

Judge: Hon. Lisa J. Cisneros  
Courtroom: G – 15th Floor

## **DEFENDANTS' ADMINISTRATIVE MOTION TO SEAL**

Pursuant to Civil Local Rules 79-5(b) and (c) and 7-11, and to the Protective Order entered in this case dated December 28, 2023, ECF No. 176 (the "Protective Order"), Defendants Uber Technologies, Inc., Rasier, LLC, Rasier-CA, LLC (collectively "Uber"), respectfully submit this Administrative Motion to Seal Documents Filed in Support of Uber's brief, filed March 11, 2025, in opposition to Plaintiffs' Motion to Compel Policy Documents, dated March 5, 2025 (ECF 2438). Uber respectfully requests that the Court seal the following documents filed in support of that motion:

### **I. BACKGROUND AND REQUESTED SEALING**

<b>Document</b>	<b>Description</b>
Exhibit 1 to Declaration of Veronica Gromada	Index of Policies and Knowledge Base Pages
Portions of Exhibit 2 to Declaration of Veronica Gromada	January 10, 2025 letter from Uber's counsel, Veronica Gromada
Portions of Exhibit 3 to Declaration of Veronica Gromada	January 25, 2025 letter from Uber's counsel, Veronica Gromada
Exhibit 4 to Declaration of William Anderson	Spreadsheet of Policies and Knowledge Base Pages
Exhibit 5 to Declaration of William Anderson	Spreadsheet of Policies and Knowledge Base Pages

The documents at issue are filed in support of Uber's brief in opposition to Plaintiffs' Motion to Compel Policy Documents. These documents consist of confidential, non-public, internal business documents detailing proprietary business policies and procedures, indexes of policies, and operational guidelines. *See Cummings Decl.* ¶¶ 2-6. Disclosure of these documents would harm Uber's competitive standing. Uber therefore submits this requests that the Court seal the exhibits under Local Rule 79-5(b) and (c).

### **II. LEGAL STANDARD**

Documents which do not relate directly to the merits of a case are properly sealed when a moving party makes "a particularized showing under the good cause standard of Rule 26(c)."

1 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal quotations  
 2 and citations omitted); *see also Ctr. For Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101-02  
 3 (9th Cir. 2016). Federal Rule of Civil Procedure 26(c) states that good cause may exist when issuing  
 4 an order to seal is necessary to “protect a party or person from annoyance, embarrassment, oppression,  
 5 or undue burden or expense.” Fed. R. Civ. P. 26(c).

6 The documents here are related to briefing on the production of policy documents; they are not  
 7 related to a dispositive motion. *See United States v. Selugh*, 896 F. 3d 1007, 1015 (9th Cir. 2018);  
 8 *Brown v. Google LLC*, 2022 WL 4227545, at \*1; *Adtrader, Inc. v. Google LLC*, 2020 WL 6387381 at  
 9 \*1 (N.D. Cal. Feb. 24, 2020). Therefore, the good cause standard applies. Discovery motion materials  
 10 “are actually one step further removed in public concern from the trial process than the discovery  
 11 materials themselves.” *Selugh*, 896 F. 3d at 1015. District Courts have discretion to balance the  
 12 interests of private parties and public disclosure when deciding to seal documents. *Kamakana*, 447  
 13 F.3d at 1180.

14 Courts, including this Court, regularly seal confidential internal business policies under the  
 15 good cause standard. *See* Sept. 3, 2024 Order, ECF 1559 at 2 (sealing documents with “substantive  
 16 information about Uber’s internal policies”); *see also, e.g. Adtrader, Inc. v. Google LLC*, 2020 WL  
 17 6395528, at \*2 (N.D. Cal. Feb. 11, 2020) (sealing Google policies and other documents related to  
 18 advertisements and payments); *Charles v. Target Corp.*, 2022 WL 3205047, at \*3 (N.D. Cal. July 6,  
 19 2022) (sealing document “detailing Target’s internal policies and procedures for guest incidents”);  
 20 *Willis v. Colgate Palmolive Co.*, 2023 WL 11915708, at \*5 (C.D. Cal. Jan. 5, 2023) (sealing documents  
 21 that referred to pricing, sales data, and internal policy information); *Tetrault v. Cap. Grp. Companies*  
 22 *Glob.*, 2023 WL 11876965, at \*1-\*2 (C.D. Cal. July 14, 2023) (sealing ethics policies and employee  
 23 handbooks); *Mendell v. Am. Med. Response, Inc.*, 2021 WL 778624, at \*3 (S.D. Cal. Mar. 1, 2021)  
 24 (sealing internal policies for call center, including scripts). Sealing is justified based on the risk of  
 25 competitive harm when public disclosure would provide competitors insight into a party’s “internal  
 26 systems and operations, including details related to internal projects and their proprietary  
 27 functionalities.” *Calhoun v. Google LLC*, 2022 WL 1122843, at \*2 (N.D. Cal. Apr. 14, 2022).

Information about internal systems and operations can place a company “at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise [the company’s] systems.” *Id.* at \*2.

Good cause to seal also exists where the relevant documents are already protected from disclosure in a separate court proceeding and sealing is necessary to “avoid disparate treatment.” *In re Xyrem (Sodium Oxybate) Antitrust Litig.*, 2023 WL 3874024, at \*2 (N.D. Cal. June 6, 2023); *Netlist Inc. v. Samsung Elec. Co., Ltd.*, 2024 WL 2429346, at \*1 (C.D. Cal. May 8, 2024) (finding “good cause to seal . . . information from sealed court records from another case”).

### III. UBER’S MATERIAL SHOULD BE KEPT UNDER SEAL

The documents at issue were filed with a brief on the production of policy documents. These documents consist of confidential, non-public, internal business documents detailing proprietary business policies and procedures. *See* Cummings Decl. ¶¶ 2-5. Uber has a legitimate interest in sealing these documents in order to avoid harm to Uber’s competitive standing. There are no less restrictive alternatives to sealing the documents. *See id.* ¶¶ 2-6.

#### A. Failing to Seal the Documents Would Harm Uber

##### Exhibit 1 to Declaration of Veronica Gromada

This exhibit is an index of Global Standards, Standards, and Global Policies and an index of Internal Guides policy documents. These documents were sent to Plaintiffs on July 26, 2024 and were Bates-stamped as UBER-MDL3083-000367953-59 and UBER-MDL3083-000367960-92, and were designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” The information in the exhibit is non-public, proprietary information. Uber has expended significant resources developing its internal policies and procedures. The information provides detailed information about the specific matters on which Uber adopted policies and documents to implement policies. Taken together this information provides extensive information about Uber’s internal operations and policy strategies, even without disclosing the contents of policies. Therefore, disclosure of this document risks harm to Uber through its competitors utilizing the information and copying processes. *See* Cummings Decl. ¶ 2. Uber submits this document as Exhibit C to this filing. This exhibit should be maintained under

1 seal. *See* Sept. 3, 2024 Order, ECF 1559 at 2; *see also, e.g. Adtrader, Inc.*, 2020 WL 6395528, at \*2;  
 2 *Charles*, 2022 WL 3205047, at \*3; *Willis*, 2023 WL 11915708, at \*5; *Tetrault*, 2023 WL 11876965,  
 3 at \*1-\*2; *Mendell*, 2021 WL 778624, at \*3; *Calhoun*, 2022 WL 1122843, at \*2.

#### 4 **Portions of Exhibit 2 to Declaration of Veronica Gromada**

5 This document is a January 10, 2025 letter from Uber’s counsel, Veronica Gromada, that  
 6 accompanied Uber’s production of policies, Knowledge Base operational guides, and other  
 7 documents. The letter also included an index timeline of operative versions of policy and Knowledge  
 8 Base documents, which did not exist in the regular and ordinary course of business, but was created  
 9 by Uber’s counsel pursuant to a Court order. The index provided dates of versions created over time  
 10 for each document requested by Plaintiffs, as well as corresponding Bates numbers. The letter also  
 11 provided a list of the text of links in documents requested by Plaintiffs and the corresponding titles of  
 12 the linked documents. The letter noted that the above information is subject to the protective order in  
 13 this litigation and designated these pages as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES  
 14 ONLY.” This information in this document is non-public, proprietary information. Uber has  
 15 expended significant resources developing its internal policies and procedures. The information  
 16 provides detailed information about the specific matters on which Uber adopted policies and  
 17 documents to implement policies and when and how often it adopted and revised those documents.  
 18 Taken together this information provides extensive information about Uber’s internal operations and  
 19 policy strategies, even without disclosing the contents of policies. Therefore, disclosure of this  
 20 document risks harm to Uber through its competitors utilizing the information and copying processes.  
 21 *See* Cummings Decl. ¶ 3. Uber submits as Exhibit A to this filing an unredacted version of this letter  
 22 which redacts a document production URL and the indexes discussed above. The unredacted version  
 23 of this document should be maintained under seal. *See* Sept. 3, 2024 Order, ECF 1559 at 2; *see also,*  
 24 *e.g. Adtrader, Inc.*, 2020 WL 6395528, at \*2; *Charles*, 2022 WL 3205047, at \*3; *Willis*, 2023 WL  
 25 11915708, at \*5; *Tetrault*, 2023 WL 11876965, at \*1-\*2; *Mendell*, 2021 WL 778624, at \*3; *Calhoun*,  
 26 2022 WL 1122843, at \*2.

**Portions of Exhibit 3 to Declaration of Veronica Gromada**

This document is a January 27, 2025 letter from Uber’s counsel, Veronica Gromada. The redacted portion of this letter cites to and quotes from the transcript from another case in which Plaintiffs’ counsel here, Bret Stanley, was opposing counsel, and in the JCCP. Those transcripts are subject to a protective order which prohibits their public disclosure. The redacted portion also contains questioning and testimony detailing Uber’s process for making and communicating policy changes. *See Cummings Decl.* ¶ 4. The letter also contains an index of operational guidelines, detailing how each Knowledge Base page is related to the policies requested by Plaintiffs and the Bates number at which each Knowledge Base was produced. The index provides detailed information and is 71 pages in length. The letter is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” The information in the index is non-public, proprietary information. Uber has expended significant resources developing its internal policies and procedures. The information provides detailed information about the specific matters on which Uber adopted policies and documents to implement policies. Taken together this information provides extensive information about Uber’s internal operations and policy strategies, even without disclosing the contents of policies. Therefore, disclosure of this document risks harm to Uber through its competitors utilizing the information and copying processes. *See Cummings Decl.* ¶ 4. Uber submits as Exhibit B to this filing an unredacted version of this letter, with a portion of footnote 1 and the operational guidelines index redacted. The unredacted version of this document should be maintained under seal. *See In re Xyrem*, 2023 WL 3874024, at \*2; *Netlist Inc.*, 2024 WL 2429346, at \*1; *see also, e.g. Adtrader, Inc.*, 2020 WL 6395528, at \*2; *Charles*, 2022 WL 3205047, at \*3; *Willis*, 2023 WL 11915708, at \*5; *Tetrault*, 2023 WL 11876965, at \*1-\*2; *Mendell*, 2021 WL 778624, at \*3; *Calhoun*, 2022 WL 1122843, at \*2.

**Exhibits 4 and 5 to Declaration of William Anderson**

These documents are spreadsheets that identify Knowledge Base homepages by source or Bates number; homepage or index title; name of policy or document requested by Plaintiffs; and category of policy. The information in the index is non-public, proprietary information. Uber has expended significant resources developing its internal policies and procedures. The information

provides detailed information about the specific matters on which Uber adopted policies and documents to implement policies. Taken together this information provides extensive information about Uber's internal operations and policy strategies, even without disclosing the contents of policies. Therefore, disclosure of this document risks harm to Uber through its competitors utilizing the information and copying processes. *See Cummings Decl.* ¶ 5. Uber submits this document as Exhibit D to this filing. This document should be maintained under seal. *See In re Xyrem*, 2023 WL 3874024, at \*2; *Netlist Inc.*, 2024 WL 2429346, at \*1; *see also, e.g. Adtrader, Inc.*, 2020 WL 6395528, at \*2; *Charles*, 2022 WL 3205047, at \*3; *Willis*, 2023 WL 11915708, at \*5; *Tetrault*, 2023 WL 11876965, at \*1-\*2; *Mendell*, 2021 WL 778624, at \*3; *Calhoun*, 2022 WL 1122843, at \*2.

#### **B. Less Restrictive Alternative to Sealing is Insufficient to Prevent Harm**

No less restrictive alternative to sealing the documents at issue is sufficient. *See Cummings Decl.* ¶ 2-6. Uber has narrowly tailored its requests to seal, redacting documents where appropriate. Actions short of sealing the documents requested by Uber would not protect Uber's competitive standing.

#### **IV. CONCLUSION**

For the foregoing reasons, Uber respectfully requests that the Court order that these documents listed above be maintained under seal.

DATED: March 11, 2025

Respectfully submitted,

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By: /s/ Veronica Gromada  
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